

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-10162-RWZ

EURO-PRO OPERATING, LLC

v.

BISSELL HOMECARE, INC.,
and HSN, INC.

ORDER
April 25, 2012

ZOBEL, D.J.

Plaintiff Euro-Pro Operating, LLC, cast its infringement contentions in pictures, presumably of the accused product, with annotations, arrows and color all of which refer to specific claim language. Defendant Bissell Homecare, Inc., finds this presentation “too general and vague to understand Euro-Pro’s positions with any certainty” and moves the court to compel plaintiff to supplement these contentions (Docket # 51). While I deem most of these “preliminary” infringement contentions to be adequate at this stage of the proceedings, the following terms are ambiguous as used and as to them the motion is allowed: “housing” in claims 1 and 5; “mop frame” in claim 1; and “steam frame” in claims 5, 8, and 16; “steam chambers” in claims 5 and 20; and “opposed cleaning sides,” “first cleaning side,” “second cleaning side,” and “cleaning side” in claims 5 and 22.

The parties have proposed a joint schedule for discovery and motions (Docket # 53). They fully agree as to all events through fact discovery, and the court hereby

adopts their proposal. They disagree by a few days as to the dates for expert discovery, and the court adopts defendants' proposal whereby all expert discovery is completed by October 26, 2012. However, rather than scheduling dispositive motions now, a status conference will be held on November 7, 2012, at 2:00 p.m.

Finally, the parties' Fact Discovery and Claim Construction Plan is fully approved.

April 25, 2012

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE